

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SCOTT TAYLOR, et al.,

Plaintiffs,

v.

MEECORP CAPITAL MARKETS, LLC.,

Defendants.

Civil Action No. 07-5954 (SDW-MCA)

ORDER

May 8, 2009

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Madeline C. Arleo filed April 9, 2009, regarding Plaintiff Neptune Development LLC’s (“Neptune”) failure to comply with Judge Arleo’s December 4, 2008 Order directing Plaintiff Neptune to obtain counsel by January 12, 2009 pursuant to *Simbrow v. United States*, 367 F.2d 373, 374 (3d Cir. 1966); failure to comply with same would result in a default by Neptune. Said Order was amended and extended Neptune’s time to obtain counsel until March 16, 2009. Neptune never obtained counsel. Consequently, Judge Arleo recommends dismissing Neptune’s Complaint. Plaintiff Neptune objects to Judge Arleo’s R&R and requests that: (1) it be given more time to obtain counsel; (2) that the court deem the complaint amended to remove Neptune as a plaintiff and to deem Scott Taylor’s claims to encompass the claims formerly held by Neptune that Taylor now owns as a result of an assignment; (3) that the court make the summary judgment motions due 20 days after the court

makes a decision regarding these requests; and (4) to stay all proceedings on Meecorp's counterclaims against Neptune until after the summary judgment motions that involve the live controversy are decided.

Defendant Meecorp opposes Neptune's objection to the R&R and asserts that: (1) Neptune's attempt to assign its claims to Taylor does not cure the *pro se* deficiency; and (2) it was improper for a *pro se* Taylor to submit an application to the court that was likely ghost written and admittedly prepared with the advice of unnamed counsel.

The Court has reviewed the R&R and the briefs and documents on file in this matter and agrees with the findings and recommendation of Judge Arleo. Thus, based on the foregoing, and for good cause shown,

IT IS, on this 8th day of May, 2009,

ORDERED that the R&R of Magistrate Judge Arleo filed April 9, 2009, is **ADOPTED** as the conclusions of law of this Court; and it is further

ORDERED that Plaintiff Neptune's Complaint is hereby **DISMISSED**; and it is further

ORDERED that Plaintiff Neptune's Answer to the Counterclaim of Defendant Neptune is hereby **STRICKEN**; and it is further

ORDERED that Defendant Meecorp may proceed to judgment by default.

s/ Susan D. Wigenton, U.S.D.J.

cc: Magistrate Judge Madeline C. Arleo